

### Remarks

In view of the above amendments and the following remarks, reconsideration of the outstanding final office action is respectfully requested.

Claims 3, 14, 21, 45, 58, 62, and 66 have been canceled without prejudice. Claims 1, 4, 15, 22, 46, 59, 63, and 67 are hereby amended. Claims 6, 17, 24, 26-42, 48, and 50-56 were previously canceled. Claims 1, 2, 4, 5, 7-13, 15, 16, 18-20, 22, 23, 25, 43, 44, 46, 47, 49, 57, 59-61, 63-65, 67, and 68 are now currently pending.

The rejection of claims 1, 3, 7-12, 14, 18, 19, 21, 25, 43, 45, 48, 58, 62, and 66 under 35 U.S.C. § 112 (1st para.) for lack of an adequate written description (on new matter grounds) is respectfully traversed in view of the above amendments to the claims.

The rejection of claims 1, 3, 4, 7-12, 14, 15, 18, 19, 21, 22, 25, 43, 45, 46, 49, 58, 59, 62, 63, 66, and 67 under 35 U.S.C. § 112 (1st para.) for lack of adequate written descriptive support is respectfully traversed in view of the above amendments to the claims.

The rejection of claims 1, 3, 4, 7-12, 14, 15, 18, 19, 21, 22, 25, 43, 45, 46, 49, 58, 59, 62, 63, 66, and 67 under 35 U.S.C. § 112 (1st para.) for lack of enablement is respectfully traversed in view of the above amendments and the following remarks.

Applicants assert that most of the grounds for this lack of enablement rejection are clearly overcome by the above amendments to the claims, and that no further explanation is needed with regard to those grounds. However, with respect to the aspect of the rejection that relates to the *hybridization conditions* recited in the claims, applicants wish to provide further comment. The Examiner has indicated that the specification is enabling for a nucleic acid molecule of SEQ ID NO:1 that encodes a BEL transcription factor, where overexpression of that BEL transcription factor in a transgenic plant results in tuber formation in the transgenic plant when grown under long-day conditions (*see* Final Office Action, at page 4). Claims 1(b) (formerly claim 1(c)), 4, 15, 22, 46, 59, 63, and 67 relate to various inventions that involve an isolated nucleic acid molecule that *hybridizes* to the nucleotide sequence of SEQ ID NO:1 under *high stringency conditions*. As amended, these claims now include a clause that states (in substance) that overexpression of the BEL transcription factor in a transgenic plant results in tuber formation in the transgenic plant when grown under long-day conditions. Support for these amendments is found in the as-filed specification at page 94, paragraph [0169]. Applicants assert that these amendments are sufficient to overcome the aspect of the present rejection that relates to “hybridization” conditions.

For the above reasons, applicants respectfully submit that the rejection of the claims for lack of enablement is improper and should be withdrawn.

The objection to claims 2, 5, 13, 16, 20, 23, 44, 47, 57, 60, 61, 64, 65, and 68 is respectfully traversed in view of the above amendments to the claims.

In view of all of the foregoing, applicants submit that this case is in condition for allowance and such allowance is earnestly solicited.

Respectfully submitted,

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